| | CT OFFICE: UMBER: | Galveston SWG-05-06-010 | | | | | |
|----------------------------------|--|--|---|--|--|---|------------------------------|
| Stat Cou Cer App Nar | inty: Nueces iter coordinates of sit proximate size of area ne of nearest waterw | FORMATION: te (latitude/longitude a (parcel) reviewed, ay: Corpus Christi E ath Corpus Christi Ba | including up Bay | 8077, 92 88 36.1057 lands: <u>35,840</u> acre. | | | |
| | npleted: Desktop of Site visit(| determination | SERVICE CONTRACTOR | ate: 16 Dec 2005 ate(s): | | | |
| Jur | isdictional Determi | nation (JD): | | | | | |
| | Preliminary JD - Ba United States" and/ (Reference 33 CFR | or "navigable waters | ormation, [| there appear to be (ed States" on the proj | or) there appear t ect site. A preliminar | o be no ' y JD is i | waters of the not appealable |
| \boxtimes | Approved JD – An Check all that apply | approved JD is an ap | opealable act | ion (Reference 33 C | FR part 331). | | |
| | ☐ There are "navigathe reviewed area. | gable waters of the U Approximate size of | Inited States | " (as defined by 33 (a area: 2,600 acre. | FR part 329 and asso | ciated g | uidance) within |
| | ☑ There are "watereviewed area. App | ers of the United State proximate size of juri | es" (as defii isdictional a | ned by 33 CFR part 3 rea: <u>100 acre</u> . | 28 and associated gui | dance) v | vithin the |
| | ☐ There are "isold | | | | ithin the reviewed are le Information Sheet | | rmination of No |
| BASIS (| OF JURISDICTION | AL DETERMINA | TION: | | | | |
| <u>A.</u> | Waters defined un The presence of wat | der 33 CFR part 32 | 29 as "navig o the ebb an | d flow of the tide and | or are presently used | , or have | e been used in |
| B. 🛛 🖂 🖂 🖂 | (1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands, destruction of which [(i) which are of (ii) which are (4) Impoundments (5) The presence of | commerce, including interstate waters incommerce, and as sloughs, prairie poth had affect interstance of could be used by in a fish or shellfish are or could be used for of waters otherwise of a tributary to a wate | urrently used g all waters luding inters intrastate la noles, wet m ate commerciterstate or for could be industrial pulefined as waterstate or so waterstate or | , or were used in the which are subject to state wetlands. Les, rivers, streams (endows, playa lakes, ended in including any such taken and sold in into uposes by industries arers of the US. | States": past, or may be susce the ebb and flow of th including intermittent or natural ponds, the waters (check all tha creational or other pu erstate or foreign com in interstate commerc | e tide. streams use, deg apply): rposes. merce. |), mudflats, radation or |
| M | (6) The presence of(7) The presence of | | o other wate | rs of the US, except | for those wetlands adj | acent to | other wetlands. |
| Rat | ionale for the Basis | of Jurisdictional De | eterminatio | n (applies to any bo | xes checked above). | If the ju | risdictional |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal waters of Corpus Christi Bay and Gulf of Mexico and adjacent waters of United States.

FILE NUMBER: SWG-05-06-010

| Lat 🛛 | teral Extent of Jurisdiction: (Reference: 33 CFR pa Ordinary High Water Mark indicated by: | ts 328 and 329) Migh Tide Line indicated by: |
|----------|---|--|
| | clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation | oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics |
| | shelving other: hydrophytic vegetation | ☐ tidal gages ☐ other: |
| ⊠ | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking | s; vegetation lines/changes in vegetation types. |
| V. | Wetland boundaries, as shown on the attached wetla | nd delineation map and/or in a delineation report prepared by: |
| 3 9 % | Waste treatment systems, including treatmen Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavat retain water and which are used exclusively frice growing. Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land i the purpose of obtaining fill, sand, or gravel abandoned and the resulting body of water m 328.3(a). Isolated, intrastate wetland with no nexus to i | basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters of the t ponds or lagoons, pursuant to 33 CFR part 328.3. rt to upland if the irrigation ceased. ing and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. neidental to construction activity and pits excavated in dry land for inless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR nterstate commerce. e Natural Resources Conservation Services Explainments of the |
| | Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, de This office does not concur with the delineation report, de This office does not concur with the delineation report, de This office does not concur with the delineation report at sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map J.S. Geological Survey 15 Minute Historic quadrang J.S. Geological Survey 15 Minute Historic quadrang J.S. Autural Resources Conservation Service Soil State/Local wetland inventory maps: Port Aransas, Port State/Local wetland inventory maps: EMA/FIRM maps (Map Name & Date): Oo-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): USDA, 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): | f the applicant. applicant. ated, prepared by (company): eport, dated, prepared by (company): s: Port Aransas, Port Ingleside, and Crane Islands NW, Texas les: es: |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wet barriers, natural river berms, beach dunes, and the like are also adjacent.

| | CT OFFICE: CESWG UMBER: 23935/001 | | |
|----------------------------------|--|--|---|
| Stat Cou Cer App Nar | unty: Matagorda County | | 28" W |
| | | te: 16 Dcember 200 te(s): | 5 |
| Jur | isdictional Determination (JD): | | |
| | Preliminary JD - Based on available information, United States" and/or "navigable waters of the Unite (Reference 33 CFR part 331). | there appear to be (d States" on the proj | or) there appear to be no "waters of the ect site. A preliminary JD is not appealable |
| Ø | Approved JD – An approved JD is an appealable actic Check all that apply: | on (Reference 33 C | FR part 331). |
| | There are "navigable waters of the United States' the reviewed area. Approximate size of jurisdictional | (as defined by 33 C area: 18.03 acres. | FR part 329 and associated guidance) within |
| | There are "waters of the United States" (as defin reviewed area. Approximate size of jurisdictional are | ed by 33 CFR part 3 a: 18.03 acres. | 28 and associated guidance) within the |
| | There are "isolated, non-navigable, intra-state w Decision supported by SWANCO Jurisdiction. | aters or wetlands" w /Migratory Bird Ru | rithin the reviewed area. le Information Sheet for Determination of No |
| BASIS C | OF JURISDICTIONAL DETERMINATION: | | |
| <u>A.</u> | Waters defined under 33 CFR part 329 as "naviga The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport in | flow of the tide and | or are presently used, or have been used in |
| B. ⊠ | Waters defined under 33 CFR part 328.3(a) as "w (1) The presence of waters, which are currently used, interstate or foreign commerce, including all waters waters." | or were used in the | past, or may be susceptible to use in |
| | (2) The presence of interstate waters including interst (3) The presence of other waters such as intrastate lab sandflats, wetlands, sloughs, prairie potholes, wet me destruction of which could affect interstate commerce (i) which are or could be used by interstate or for (ii) from which fish or shellfish are or could be t (iii) which are or could be used for industrial pur | ate wetlands ¹ . es, rivers, streams (adows, playa lakes, including any such eign travelers for re aken and sold in inte | including intermittent streams), mudflats, or natural ponds, the use, degradation or waters (check all that apply): creational or other purposes. |
| | (4) Impoundments of waters otherwise defined as wa (5) The presence of a tributary to a water identified ir (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other water | ers of the US. (1) – (4) above. | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is off of the Palacios Channel a maintained navigational channel through Matagorda Bay. It is subject to the ebb and flow of the tide and therefore is a jurisdictional water of the United States.

FILE NUMBER: 23935/001 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Caracahua Pass Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

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Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| | | ICT OFFICE: CESWG UMBER: 23935/002 | | |
|-----|----------------------------------|--|--|-----------|
| PR | Star Cou Cer App Nar | unty: Matagorda and Calhoun Counties | | |
| JU | | and the second s | te: 16 Dcember 2005 te(s): | |
| | Jur | risdictional Determination (JD): Preliminary JD - Based on available information. | there appear to be (or) there appear to be no "waters | s of the |
| | | United States" and/or "navigable waters of the Unite (Reference 33 CFR part 331). | d States" on the project site. A preliminary JD is not app | ealable |
| | Ø | Approved JD – An approved JD is an appealable act Check all that apply: | on (Reference 33 CFR part 331). | |
| | | ★ There are "navigable waters of the United States the reviewed area. Approximate size of jurisdictions." | (as defined by 33 CFR part 329 and associated guidance area: 311.41 acres. | e) within |
| | | ☑ There are "waters of the United States" (as define reviewed area. Approximate size of jurisdictional and | ed by 33 CFR part 328 and associated guidance) within t ea: 311.41 acres. | he |
| | | There are "isolated, non-navigable, intra-state we Decision supported by SWANCO Jurisdiction. | aters or wetlands" within the reviewed area. //Migratory Bird Rule Information Sheet for Determinati | on of No |
| BAS | A . | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navig The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport in | flow of the tide and/or are presently used, or have been a | used in |
| | | interstate or foreign commerce, including all waters (2) The presence of interstate waters including inters (3) The presence of other waters such as intrastate la sandflats, wetlands, sloughs, prairie potholes, wet me destruction of which could affect interstate commerce (i) which are or could be used by interstate or for (iii) from which fish or shellfish are or could be (iii) which are or could be used for industrial put (4) Impoundments of waters otherwise defined as water (5) The presence of a tributary to a water identified in (6) The presence of territorial seas. | or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide. ate wetlands. es, rivers, streams (including intermittent streams), muditadows, playa lakes, or natural ponds, the use, degradation including any such waters (check all that apply): reign travelers for recreational or other purposes. aken and sold in interstate or foreign commerce. poses by industries in interstate commerce. | n or |
| | Rati | ionale for the Racis of Jurisdictional Determination | (onnlies to see boards about 1 to 1 to 2 to 2 | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is off of the Palacios Channel a maintained navigational channel through Matagorda Bay. It is subject to the ebb and flow of the tide and therefore is a jurisdictional water of the United States.

FILE NUMBER: 23935/002 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Caracahua Pass Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

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Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23935/003

| Star Coo Cer App Nar | unty: Calhoun County | | 25" W |
|----------------------------------|--|--|--|
| | 80000 | te: 19 Dcember 2005 te(s): | 5 |
| Jur | isdictional Determination (JD): | | |
| | Preliminary JD - Based on available information, United States" and/or "navigable waters of the United (Reference 33 CFR part 331). | there appear to be (of States" on the project | or) there appear to be no "waters of the ect site. A preliminary JD is not appealable |
| × | Approved JD – An approved JD is an appealable acti Check all that apply: | on (Reference 33 CF | FR part 331). |
| | There are "navigable waters of the United States" the reviewed area. Approximate size of jurisdictional | (as defined by 33 C l area: 18.03 acres. | FR part 329 and associated guidance) within |
| | There are "waters of the United States" (as defin reviewed area. Approximate size of jurisdictional are | ed by 33 CFR part 32 a: 18.03 acres. | 28 and associated guidance) within the |
| | There are "isolated, non-navigable, intra-state was Decision supported by SWANCO Jurisdiction. | aters or wetlands" wi /Migratory Bird Rul | ithin the reviewed area. le Information Sheet for Determination of No |
| <u>A.</u> | DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "naviga The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport interests." | flow of the tide and | or are presently used, or have been used in |
| | Waters defined under 33 CFR part 328.3(a) as "w. (1) The presence of waters, which are currently used, interstate or foreign commerce, including all waters w (2) The presence of interstate waters including interst (3) The presence of other waters such as intrastate lak sandflats, wetlands, sloughs, prairie potholes, wet me destruction of which could affect interstate commerce (i) which are or could be used by interstate or for (ii) from which fish or shellfish are or could be taken (iii) which are or could be used for industrial pur (4) Impoundments of waters otherwise defined as wate (5) The presence of a tributary to a water identified in (6) The presence of wetlands adjacent to other waters (7) The presence of wetlands adjacent to other waters (1) | or were used in the perhich are subject to that wetlands. es, rivers, streams (in adows, playa lakes, concluding any such eign travelers for recaken and sold in interposes by industries in ers of the US. (1) – (4) above. | past, or may be susceptible to use in the ebb and flow of the tide. Including intermittent streams), mudflats, or natural ponds, the use, degradation or waters (check all that apply): Determine the purposes. The purposes of the purposes of the purposes. The purpose of the |
| Rati | onale for the Basis of Jurisdictional Determination | (applies to any box | es checked above). If the jurisdictional |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is off of the Matagorda Ship Channel a maintained navigational channel through Matagorda Bay. It is subject to the ebb and flow of the tide and therefore is a jurisdictional water of the United States.

| La II | clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving | rts 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|----------|--|--|
| | ☐ other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking | s; vegetation lines/changes in vegetation types. |
| | | nd delineation map and/or in a delineation report prepared by: |
| Bas | Waste treatment systems, including treatmen Artificially irrigated areas, which would reverse Artificial lakes and ponds created by excavate retain water and which are used exclusively frice growing. Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel to abandoned and the resulting body of water made 328.3(a). Isolated, intrastate wetland with no nexus to interest the same and the second solution. | basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In an adversion of the purposes as stock watering, irrigation, settling basins, or mer small ornamental bodies of water created water for primarily aesthetic reasons. Incidental to construction activity and pits excavated in dry land for maless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce. In a triple part 328.3(a)(3). In a triple part 328.3(a)(4). In a triple |
| | Other (explain): EVIEWED FOR JURSIDICTIONAL DETERMING Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, delineation service states. Geological Survey 7.5 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang U.S. Geologic | ATION (mark all that apply): f the applicant. applicant. ated , prepared by (company): eport, dated , prepared by (company): s: Keller Bay Quadrangle les: es: |

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¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e. occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23935/004

| Stat Cou Cen App Nan | inty: Calhoun County | |
|----------------------------------|---|---|
| | | te: 19 Dcember 2005 te(s): |
| Jur | isdictional Determination (JD): | |
| | Preliminary JD - Based on available information, | there appear to be (or) there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable |
| × | Approved JD – An approved JD is an appealable actic Check all that apply: | on (Reference 33 CFR part 331). |
| | There are "navigable waters of the United States' the reviewed area. Approximate size of jurisdictional | (as defined by 33 CFR part 329 and associated guidance) within area: 18.03 acres. |
| | There are "waters of the United States" (as defin reviewed area. Approximate size of jurisdictional are | ed by 33 CFR part 328 and associated guidance) within the at 18.03 acres. |
| | There are "isolated, non-navigable, intra-state w Decision supported by SWANCO Jurisdiction. | aters or wetlands" within the reviewed area. /Migratory Bird Rule Information Sheet for Determination of No |
| A. | PF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "naviga The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport in | flow of the tide and/or are presently used, or have been used in |
| B | interstate or foreign commerce, including all waters v (2) The presence of interstate waters including interst (3) The presence of other waters such as intrastate lab sandflats, wetlands, sloughs, prairie potholes, wet me destruction of which could affect interstate commerce (i) which are or could be used by interstate or for (ii) from which fish or shellfish are or could be t (iii) which are or could be used for industrial put (4) Impoundments of waters otherwise defined as wa (5) The presence of a tributary to a water identified in (6) The presence of territorial seas. | or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide. ate wetlands. es, rivers, streams (including intermittent streams), mudflats, adows, playa lakes, or natural ponds, the use, degradation or including any such waters (check all that apply): eign travelers for recreational or other purposes. aken and sold in interstate or foreign commerce. poses by industries in interstate commerce. |
| Rati | onale for the Basis of Jurisdictional Determination | (applies to any boxes checked above). If the jurisdictional |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is off of the Matagorda Ship Channel a maintained navigational channel through Matagorda Bay. It is subject to the ebb and flow of the tide and therefore is a jurisdictional water of the United States.

| L | ateral l | Extent of Jurisdiction: (Reference: 33 CFR pa | | FILE NUMBER: 23935/004 |
|---|----------|---|---------------------------|---|
| | Ordi | inary High Water Mark indicated by: clear, natural line impressed on the bank | | gh Tide Line indicated by: |
| | | the presence of litter and debris | <u> </u> | oil or scum line along shore objects fine shell or debris deposits (foreshore) |
| | 片 | changes in the character of soil | | physical markings/characteristics |
| | H | destruction of terrestrial vegetation shelving | | tidal gages |
| | | other: | _ | other: |
| | Mea | n High Water Mark indicated by: | | |
| | ☐ s | urvey to available datum; D physical marking | s; vegetation | n lines/changes in vegetation types. |
| | Wetl | and boundaries, as shown on the attached wetla | nd delineation i | nap and/or in a delineation report prepared by: |
| Ba | sis For | Not Asserting Jurisdiction: | | |
| H | The r | eviewed area consists entirely of uplands. | | |
| | Hicau | le to confirm the presence of waters in 33 CFR quarters declined to approve jurisdiction on the | part 328(a)(1, 2 | 2, or 4-7). |
| | 1110 | corps has made a case-specific determination the | at the following | s waters present on the site are not Waters of the |
| | Unite | | | |
| | 占 | Waste treatment systems, including treatmen Artificially irrigated areas, which would reve | ponds or lagoo | ons, pursuant to 33 CFR part 328.3. |
| | | Authoral takes and ponds created by excavat | ing and/or dikin | g dry land to collect and |
| | | retain water and which are used exclusively i | or such purpose | es as stock watering, irrigation, settling basins, or |
| | | B. O WING. | | |
| | | Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain | water for prime | arily aesthatic massaur |
| | | water-infed depressions created in dry land i | deidental to con | struction activity and miss are a 1 1 1 1 1 a |
| | | The purpose of comming int. Said. Of prayer i | iniess and lintil | the construction or excavation operation is on of waters of the United States found at 33 CFR |
| | | Isolated, intrastate wetland with no nexus to i | nterstate comme | erce. |
| | | Prior converted cropland, as determined by the | e Natural Resou | irces Conservation Service. Explain rationale: |
| | R | Non-tidal drainage or irrigation ditches excav Other (explain): | ated on dry land | l. Explain rationale: |
| | | Other (explain). | | |
| DAT <u>A</u> F | REVIE | WED FOR JURSIDICTIONAL DETERMIN | JATION (marl | (all that apply). |
| Image: Control of the | maps, | plais, plots of plat submitted by or on behalf o | lithe applicant | an that appry). |
| u | Data si | heets prepared/submitted by or on behalf of the his office concurs with the delineation report, de | applicant. | |
| | II | ils office does not concur with the delineation r | ned , prep enort dated | pared by (company): , prepared by (company): |
| | Data si | neets prepared by the Corps. | port, dated | , prepared by (company): |
| R | US G | navigable waters' studies: eological Survey Hydrologic Atlas: | | |
| 図 | U.S. G | eological Survey 7.5 Minute Topographic map | Keller Boy O | and man also |
| | U.S. U | eological Survey 7.5 Minute Historic quadrang | les: | adrangle |
| H | U.S. G | eological Survey 15 Minute Historic quadrangl | es. | |
| ð | Nationa | Natural Resources Conservation Service Soil Sal wetlands inventory maps: | urvey: | |
| | State/L | ocal wetland inventory maps: | | |
| H | FEMA/ | /FIRM maps (Map Name & Date): | | |
| (株) (株) (株) (株) (株) (株) (株) (株) (株) (株) | Aerial I | ar Floodplain Elevation is: (NGVD) Photographs (Name & Date): | | |
| | Other p | hotographs (Date): | | |
| | Advanc | ed Identification Wetland maps: | | |
| | Applica | it/determination conducted on: able/supporting case law: | | |
| đ | Other in | nformation (please specify): | | |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| FILE N PROJE Sta Coo Cer App Nea | unty: Harris | 9° 59' 44"N, 95° 34' 09"W |
|----------------------------------|--|--|
| | · · · · · · · · · · · · · · · · · · | te: 12/19/05 e(s): 9/9/05 |
| Jur | isdictional Determination (JD): | |
| 5 | Preliminary JD - Based on available information, United States" and/or "navigable waters of the United (Reference 33 CFR part 331). | there appear to be (or) there appear to be no "waters of the distates" on the project site. A preliminary JD is not appealable |
| Ž. | Approved JD – An approved JD is an appealable actic Check all that apply: | on (Reference 33 CFR part 331). |
| | There are "navigable waters of the United States' the reviewed area. Approximate size of jurisdictional | (as defined by 33 CFR part 329 and associated guidance) within area: |
| | There are "waters of the United States" (as define reviewed area. Approximate size of jurisdictional area. | ed by 33 CFR part 328 and associated guidance) within the a:2.62-acres |
| | There are "isolated, non-navigable, intra-state was Decision supported by SWANCO Jurisdiction. | aters or wetlands" within the reviewed area. /Migratory Bird Rule Information Sheet for Determination of No |
| A. | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "naviga The presence of waters that are subject to the ebb and the past, or may be susceptible for use to transport int | flow of the tide and/or are presently used, or have been used in |
| | interstate or foreign commerce, including all waters w (2) The presence of interstate waters including interst. (3) The presence of other waters such as intrastate lak sandflats, wetlands, sloughs, prairie potholes, wet medestruction of which could affect interstate commerce (i) which are or could be used by interstate or for (ii) from which fish or shellfish are or could be ta (iii) which are or could be used for industrial pur (4) Impoundments of waters otherwise defined as wat (5) The presence of a tributary to a water identified in (6) The presence of territorial seas. | or were used in the past, or may be susceptible to use in hich are subject to the ebb and flow of the tide. ate wetlands!. es, rivers, streams (including intermittent streams), mudflats, dows, playa lakes, or natural ponds, the use, degradation or including any such waters (check all that apply): eign travelers for recreational or other purposes. ken and sold in interstate or foreign commerce. poses by industries in interstate commerce. ers of the US. (1) – (4) above. |
| | (1) The presence of wetlands adjacent to other waters | of the US, except for those wetlands adjacent to other wetlands. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Pilot Gully and Cypress Creek are tributaries to Spring Creek and the San Jacinto River, a navigable water of the United States. The wetlands are adjacent to Cypress Creek and located in the 100-yr. Floodplain.

| FILE N | NUMBER: D-17517 | |
|---------|---|--|
| Lateral | Extent of Jurisdiction: (Reference: 33 CFR parts 32 Ordinary High Water Mark indicated by: | 8 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking | s; vegetation lines/changes in vegetation types. |
| × | Wetland boundaries, as shown on the attached wetla Berg Oliver | nd delineation map and/or in a delineation report prepared by: |
| Ba | Waste treatment systems, including treatment Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavate retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel used abandoned and the resulting body of water mediands. Isolated, intrastate wetland with no nexus to in Prior converted cropland, as determined by the | basis of 33 CFR part 328.3(a)(3). at the following waters present on the site are not Waters of the ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In g and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily aesthetic reasons. acidental to construction activity and pits excavated in dry land for mless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR |
| | EVIEWED FOR JURSIDICTIONAL DETERMIN Maps, plans, plots or plat submitted by or on behalf of the Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps U.S. Geological Survey 7.5 Minute Historic quadrang U.S. Geological Survey 15 Minute Historic quadrang U.S. Autural Resources Conservation Service Soil S National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FEMA FRII 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 2002 B&W, 1956 Other photographs (Date): Site photos Advanced Identification Wetland maps: Site visit/determination conducted on: 9/15/05 Applicable/supporting case law: Other information (please specify): | f the applicant. applicant. ted_Oct 18, 2005_, prepared by (company): Berg Oliver eport, dated_, prepared by (company): :: Satsuma and Tomball es: es: urvey: Harris County Soil Survey M 48201C0435 J, Nov 1996 |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

| | U.S. Army Corps of Engineers |
|---|---|
| | CT OFFICE: CESWG UMBER: D-18061 |
| Stat Cou Cen App Nar | CT LOCATION INFORMATION: e: Texas inty: Harris iter coordinates of site (latitude/longitude): 29.8059N; 95.3411W proximate size of area (parcel) reviewed, including uplands: 1 acres. ne of nearest waterway: Hunting Bayou ne of watershed: Hunting Bayou |
| JURISD Cor | ICTIONAL DETERMINATION npleted: Desktop determination Date: 12/19/05 Site visit(s) Date(s): |
| Jur | isdictional Determination (JD): |
| *************************************** | Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| Ø | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre. |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| A. | F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. |
| | (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or |
| | destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. |

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-18061 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Settegast, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-12-045 PROJECT LOCATION INFORMATION: State: Texas County: Galveston Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 0.5 acres. Name of nearest waterway: Galveston County Drainage Ditch Name of watershed: Galveston Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 19 December 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States' (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The drainage dictch was constructed within jurisdictional wetlands during the construction of the Texas City Levee. The ditch has tidal influence.

FILE NUMBER: SWG-05-12-045 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Virginia Point U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil \$urvey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wet barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

| | | | | U.: | S. Army | Corps of Engineers |
|---------------------------------|--|--|--|--|--|--|
| | ICT OFFI UMBER: | | VG | | | |
| Sta Cou Cer App Nai | te: unty: nter coordi proximate | Texas Trinity nates of sisting size of are est waterw | FORMATION Te (latitude/long a (parcel) revie ay: Lake Livin Trinity River | gitude): ewed, inc | | 30.8990N; 95.3228W uplands: 1 acres. |
| | | | RMINATION determination (s) | × |] | Date: 20 Dec 05 Date(s): |
| Jur | isdictiona | l Determi | nation (JD): | | | |
| | United St | tates" and/ | ased on availab or "navigable part 331). | ole inform waters of | nation, [the Uni | there appear to be (or) there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable |
| Ø | | d JD – An I that apply | | s an appe | alable a | ction (Reference 33 CFR part 331). |
| | | | | | | es" (as defined by 33 CFR part 329 and associated guidance) within nal area: 1 acre. |
| | There reviewed | are "wate area. App | rs of the Unite proximate size | d States" of jurisd | (as defictional | fined by 33 CFR part 328 and associated guidance) within the area: |
| | T here | are "isolo | | | | waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of No. |
| <u>A.</u> | Waters d | lefined un nce of wat | ers that are sul | art 329 a | is "navi ne ebb a | gable waters of the United States": nd flow of the tide and/or are presently used, or have been used in interstate or foreign commerce. |
| B. | (1) The p interstate (2) The p (3) The p sandflats, destruction | resence of or foreign resence of resence of wetlands, on of whicl | waters, which commerce, ind interstate water other waters st sloughs, prairing could affect i | are curre cluding a ers includuch as in- e pothole nterstate | ently use ill water ing inte trastate es, wet r comme | twaters of the United States": Ed, or were used in the past, or may be susceptible to use in some which are subject to the ebb and flow of the tide. In the restate wetlands. It is lakes, rivers, streams (including intermittent streams), mudflats, in the restate wetlands or natural ponds, the use, degradation or the rectangle of the rectangle o |

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 24029 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Trinity East, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil \$urvey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| | U.S. Army Corps of Engineers |
|-----------------------------|--|
| | ICT OFFICE: CESWG (UMBER: SWG-05-14-038 |
| Sta Co Ce Ap Na | te: Texas unty: Harris nter coordinates of site (latitude/longitude): Lat: 29.47.18 Long: 95.14.20 proximate size of area (parcel) reviewed, including uplands: 250 acres. me of nearest waterway: Hunting Bayou & Greens Bayou me of watershed: Greens Bayou |
| | DICTIONAL DETERMINATION mpleted: Desktop determination |
| Jui | risdictional Determination (JD): |
| | Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| Ø | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| Α. | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or |

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Please see wetland verification number D-16313. Hunting and Greens Bayous are both Waters of the U.S. Subject wetlands to be impacted are adjacent to both water ways.

FILE NUMBER: SWG-05-14-038 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wet and delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Jacinto City U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): Please see file number D-16313

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| DISTRICT OFFICE: CESWO | ì |
|------------------------|---|
| FILE NUMBER: 23964 | |

| PROJECT | LOCATION | INFORMATION: |
|----------------|----------|---------------------|
| C4-4- | Т | |

State:

Texas Polk

County:

Center coordinates of site (latitude/longitude):

Lat: 30.48.41 Long: 95.04.31

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Sandy Creek Name of watershed: Trinity River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 21 December 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marchere are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23964 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Onalaska U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil \$urvey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| DISTRICT OFFICE: CESWG FILE NUMBER: 23971 | |
|--|--------------------------------|
| PROJECT LOCATION INFORMATION: | |
| State: Texas | |
| County: Calhoun | |
| Center coordinates of site (latitude/longitude): 28 2 | 26' 37"N, 96 24' 10"W (NAD 27) |
| Approximate size of area (parcel) reviewed, including upla | |
| Name of nearest waterway: Gulf Intracoastal Waterway (G | |
| Name of watershed: West Matagorda Bay | |
| JURISDICTIONAL DETERMINATION | |

| App Nan | ter coordi roximate ne of near | size of are est waterv | te (latitude/ ea (parcel) re vay: Gulf In | tracoastal Water | ing upla | 26' 37"N, 96 24' 10"W (NAD 27) nds: 0.09 acres. IWW) |
|------------|--------------------------------------|---------------------------|---|---|-------------------------|---|
| RISD | | AL DETE | West Mata RMINATI determination | ON _ | | e: 21 December 2005 e(s): |
| Juri | isdictiona | l Determ | ination (JD |): | | |
| | United S | tates" and | ased on ava /or "navigat R part 331). | ilable information in the waters of the | on, 🔲 a United | there appear to be (or) there appear to be no "waters of the States" on the project site. A preliminary JD is not appealable |
| Ø | | d JD – An l that appl | | D is an appealal | ole actio | on (Reference 33 CFR part 331). |
| | | | | | | (as defined by 33 CFR part 329 and associated guidance) within area: 0.09acres. |
| | | | | nited States" (a ize of jurisdiction | | d by 33 CFR part 328 and associated guidance) within the a: 0.09 acres. |
| | There | e are "isoi | | upported by SW | | ters or wetlands" within the reviewed area. /Migratory Bird Rule Information Sheet for Determination of No |
| | Waters of | defined un ence of wa | nder 33 CF | subject to the e | naviga bb and | ble waters of the United States": flow of the tide and/or are presently used, or have been used in erstate or foreign commerce. |

BAS

- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands^I.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Gulf Intracoastal Waterway (GIWW) is a navigable water of the United States. Additionally, it is an interstate water.

FILE NUMBER: 23971

| L | ateral Extent | of Jurisdiction: (Reference: 33 CFR par | 4- 220 1.220) | FILE NUMBER: 239 |
|--------|-----------------|--|---------------------|---|
| Ē | Ordinary I | High Water Mark indicated by: , natural line impressed on the bank | 🛛 High | Tide Line indicated by: |
| | the p | resence of litter and debris | H | oil or scum line along shore objects |
| | chan | ges in the character of soil | H | fine shell or debris deposits (foreshore) physical markings/characteristics |
| | destr | uction of terrestrial vegetation | | tidal gages |
| | shelv | | | other: project plans |
| | other | : | | |
| | Mean High | Water Mark indicated by: | | |
| | survey | to available datum; physical marking | s; U vegetation li | ines/changes in vegetation types |
| Г | | | | |
| | | | nd delineation ma | up and/or in a delineation report prepared by: |
| Ba | The region | Asserting Jurisdiction: | | |
| | Unable to c | ed area consists entirely of uplands. | . 2207 > 44 - | |
| | Headquarte | confirm the presence of waters in 33 CFR are declined to approve jurisdiction on the | part 328(a)(1, 2, c | or 4-7). |
| | The Corps | has made a case-specific determination th | at the following u | part 328.3(a)(3). waters present on the site are not Waters of the |
| | Cintod Stat | es. | | |
| | ☐ Was | ste treatment systems, including treatment | ponds or lagoons | s, pursuant to 33 CFR part 328 3 |
| | | inclarly irrigated areas, which would reve | rt to unland if the | irrigation cased |
| | L Arti | incial lakes and ponds created by excavat | ng and/or diking | dry land to collect and |
| | rice | in water and which are used exclusively f growing. | or such purposes a | as stock watering, irrigation, settling basins, or |
| | | ficial reflecting or swimming pools or oth | er small amous an | And builting Control of |
| | by e | excavating and/or diking dry land to retain | water for primari | ily aesthetic reasons |
| | L wat | er-lined depressions created in dry land in | ncidental to constr | metion activity and mits automated 1: 1 1 1 c |
| | | purpose of obtaining fin, saile, or graver t | niess and until the | e construction or excavation anamation is |
| | uoui | defied and the resulting body of water me | ets the definition | of waters of the United States found at 33 CFR |
| | 520. | 3(a). ated, intrastate wetland with no nexus to it | | |
| | Prio | r converted cropland, as determined by the | nersiale commerc | ces Conservation Service. Explain rationale: |
| | | | | |
| | ∐ Non | -tidal drainage or irrigation ditches excav | ated on dry land. | Explain rationale: |
| | ☐ Othe | er (explain): | | |
| DATA I | REVIEWED | FOR JURSIDICTIONAL DETERMIN | IATION (mark a | all that anniv). |
| | maps, plans | , plots or plat submitted by or on behalf of | the applicant | in that apply). |
| | Data sheets | prepared/submitted by or on behalf of the | applicant | |
| | I This off | ice concurs with the delineation report, da | | red by (company): |
| П | Data sheets i | ice does not concur with the delineation reprepared by the Corps. | eport, dated | , prepared by (company): |
| 靣 | Corps' navig | gable waters' studies: | | |
| | U.S. Geolog | ical Survey Hydrologic Atlas: | | |
| × | U.S. Geolog | ical Survey 7.5 Minute Topographic mans | : 1989 Port O' Co | onner |
| | U.S. Geologi | ical Survey 7.5 Minute Historic quadrang | les: | |
| H | U.S. Geologi | ical Survey 15 Minute Historic quadrangl | es: | |
| Ħ | National wet | ral Resources Conservation Service Soil S lands inventory maps: | urvey: | |
| 靣 | State/Local v | vetland inventory maps: | | |
| | FEMA/FIRM | I maps (Map Name & Date): | | |
| | 100-year Flo | odplain Elevation is: (NGVD) | | |
| | Aerial Photo | graphs (Name & Date): Port O' Conner ar | ea, Undated | |
| | Other photog | graphs (Date): | | |
| H | Site visit/deta | entification Wetland maps: ermination conducted on: | | |
| | Applicable/si | upporting case law: | | |
| | Other inform | ation (please specify): CESWG File D-16 | 860 | |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wet ands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

HIDISDICTIONAL DETERMINATION

| | U.S. Army Corps of Engineers |
|----------------------------------|--|
| | CT OFFICE: CESWG UMBER: 14114(05)857 |
| Stat Cou Cen App Nan | e: Texas unty: Harris ter coordinates of site (latitude/longitude): Lat: 29.45.41 Long: 95.11.18 proximate size of area (parcel) reviewed, including uplands: 1 acres. une of nearest waterway: Greens Bayou une of watershed: Buffalo Bayou |
| | ICTIONAL DETERMINATION npleted: Desktop determination |
| Jur I | isdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| Ø | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| A. | Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| B. | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the presence of the prese |

- sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (4) Impoundments of waters otherwise defined as waters of the CS.
 (5) The presence of a tributary to a water identified in (1) (4) above.
 (6) The presence of territorial seas.
 (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Greens Bayou is a Section 10 water way.

| L | ateral F | Extent of Jurisdiction: (Reference: 33 CFR p | 4 220 1220 | FILE NUMBER: 14114(05)8 |
|-----------|----------------|---|------------------------|---|
| Type | Ordi | nary High Water Mark indicated by: | arts 328 and 329) | |
| | | also return 1. | High ' | Tide Line indicated by: |
| | 님 | clear, natural line impressed on the bank | | oil or scum line along shore objects |
| | 닏 | the presence of litter and debris | | ine shell or debris deposits (foreshore) |
| | \sqcup | changes in the character of soil | l ñ, | hysical markings/characteristics |
| | | destruction of terrestrial vegetation | | idal gages |
| | | shelving | | other: |
| | \Box | other: | U (| nner: |
| | | | | |
| | Mear | High Water Mark indicated by: | | |
| | 🔲 sı | urvey to available datum; 🔲 physical markin | s. D vegetation lin | es/changes in vagatation temps |
| ******* | | | | · - |
| | Wetla | and boundaries, as shown on the attached wetl | and delineation mar | and/or in a delineation report prepared by: |
| | | | • | propared by: |
| P.o. | cic For | Not Assessed a Visit of | | |
| | The r | Not Asserting Jurisdiction: | | |
| 冒 | Unob | eviewed area consists entirely of uplands. | | |
| | Unau | e to confirm the presence of waters in 33 CFF | part 328(a)(1, 2, or | 4-7). |
| | neado | quarters declined to approve jurisdiction on the | basis of 33 CFR page | art 328.3(a)(3). |
| | THE | orps has made a case-specific determination t | hat the following wa | aters present on the site are not Waters of the |
| | Unite | a states. | | |
| | H | Waste treatment systems, including treatmen | t ponds or lagoons, | pursuant to 33 CFR part 328 3 |
| | | Authorally irrigated areas, which would rev | ert to unland if the i | rrigation ceased |
| | \sqcup | Artificial takes and ponds created by excava | ting and/or diking d | ry land to collect and |
| | | retain water and which are used exclusively | for such purposes as | stock watering, irrigation, settling basins, or |
| | | rice growing. | | |
| | | Artificial reflecting or swimming pools or of | her small ornament: | al hodies of water created |
| | _ | by excavating and/or diking dry land to retain | n water for primaril | v aesthetic reasons |
| | | Water-filled depressions created in dry land | incidental to constru | ction activity and pits excavated in dry land for |
| | | the purpose of obtaining fill, sand, or gravel | unless and until the | construction or execution and in dry land for |
| | | abandoned and the resulting body of water m | eets the definition s | f waters of the United States found at 33 CFR |
| | | 328.3(a). | cets the definition (| waters of the United States found at 33 CFR |
| | | Isolated, intrastate wetland with no nexus to | mtaratata aaman | |
| | ī | Prior converted cropland as determined by the | a Natural D | |
| | | Prior converted cropland, as determined by the | le Naturai Resource | s Conservation Service. Explain rationale: |
| | | Non-tidal drainage or irrigation ditches excar | ated on dry land F | vnlain rationala. |
| | | Other (explain): | and on try land. I | Apiam rationale. |
| | | | | |
| DATAB | F18 / F F1 1 1 | | | |
| DAIAK | EVIEV | VED FOR JURSIDICTIONAL DETERMI | NATION (mark all | that apply): |
| | iviaps, j | plans, plots or plat submitted by or on behalf of | f the applicant | |
| Ш | Data sh | eets prepared/submitted by or on behalf of the | applicant. | |
| | H Tu | is office concurs with the delineation report, d | ated , prepare | d by (company): |
| Process . | ∐ Th | is office does not concur with the delineation | | prepared by (company): |
| <u> </u> | Data sh | eets prepared by the Corps. | , | proposed by (company). |
| | Corps' | navigable waters' studies: | | |
| | U.S. Ge | cological Survey Hydrologic Atlas: | | |
| M | U.S. Ge | cological Survey 7.5 Minute Topographic map | S. Jacinto City | |
| | U.S. Ge | cological Survey 7.5 Minute Historic quadrang | les: | |
| | U.S. Ge | ological Survey 15 Minute Historic quadrang | ec. | |
| | USDA 1 | Natural Resources Conservation Service Soil | Cumiani | |
| | Nationa | l wetlands inventory maps: | suivey. | |
| 面 | State/Lo | ocal wetland inventory maps: | | |
| | FEMA/ | FIRM maps (Map Name & Date): | | |
| | 100-ves | T1 1 1 1 - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | | |
| | Aerial D | r Floodplain Elevation is: (NGVD) | | |
| | 1011111 P | hotographs (Name & Date): | | |
| | Advers | notographs (Date): | | |
| | auvance | ed Identification Wetland maps: | | |
| | one Visi | t/determination conducted on: | | |
| | Applical | ple/supporting case law: | | |
| | Other in | formation (please specify): | | |
| | | • • | | |

Wetlands are identified and delineated using the methods and criteria established in the Corps occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wet barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

| DISTRICT | OFFI | CE: | CESW | /G |
|----------|------|-----|------|----|
| FILE NUM | BER: | D-1 | 8059 | |

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Walker Center coordinates of site (latitude/longitude):

Lat: 30.50.53 Long: 95.20.07

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Carolina Creek Name of watershed: Trintiy River

Site visit(s)

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 21 December 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| L | ateral | Extent of Jurisdiction: (Reference: 33 CFR p | 220 1200 | FILE NUMBER: D-18059 |
|----------|----------|--|------------------------|---|
| Ī | Ord | linary High Water Mark indicated by: | arts 328 and 329) | |
| **** | | clear, natural line impressed on the bank | High | Tide Line indicated by: |
| | | the presence of litter and debris | | oil or scum line along shore objects |
| | | changes in the character of soil | | fine shell or debris deposits (foreshore) |
| | | destruction of terrestrial vegetation | | hysical markings/characteristics idal gages |
| | | shelving | | other: |
| | | other: | , | THE I |
| | * | | | |
| Ľ | Mea Mea | n High Water Mark indicated by: | | |
| | | survey to available datum; physical markin | gs; 🔲 vegetation li | nes/changes in vegetation types. |
| | | | | |
| | g WCI | land boundaries, as shown on the attached wet | land delineation map | and/or in a delineation report prepared by: |
| | | | | |
| Ba | sis Fo | r Not Asserting Jurisdiction: | | |
| 1# | The | reviewed area consists entirely of unlands | | |
| | Unal | ole to confirm the presence of waters in 33 CFF | part 328(a)(1, 2, o | (4-7). |
| 븁 | Head | iquarters declined to approve jurisdiction on th | e hasis of 33 CED n | net 220 2(a)(2) |
| | 1116 | Corps has made a case-specific determination | hat the following w | aters present on the site are not Waters of the |
| | | - States. | | |
| | 님 | Waste treatment systems, including treatment | nt ponds or lagoons, | pursuant to 33 CFR part 328.3. |
| | H | runiciany inigated areas, which would rev | ert to unland if the i | rrigation cased |
| | | Artificial lakes and ponds created by excava | ting and/or diking d | ry land to collect and |
| | | rice growing. | for such purposes a | s stock watering, irrigation, settling basins, or |
| | | Artificial reflecting or swimming pools or of | hom om oll | 11. 12. 0 |
| | _ | by excavating and/or diking dry land to retail | in water for primaril | al bodies of water created |
| | | Water-filled depressions created in dry land | incidental to constr | y aestrictic reasons. Iction activity and pits excavated in dry land for |
| | | the purpose of obtaining fin, said, or graver | liniess and until the | construction or execution an analy |
| | | abandoned and the resulting body of water n | neets the definition | f waters of the United States found at 33 CFR |
| | | (u). | | |
| | R | Isolated, intrastate wetland with no nexus to | interstate commerce | |
| | | Prior converted cropland, as determined by t | he Natural Resource | s Conservation Service. Explain rationale: |
| | | | | |
| | Ö | Non-tidal drainage or irrigation ditches excar Other (explain): | vated on dry land. E | xplain rationale: |
| | _ | (*********** | | |
| ~ | | | | |
| DATA F | REVIE | WED FOR JURSIDICTIONAL DETERMI | NATION (mark al | that apply): |
| <u> </u> | waps, | plans, plots or plat submitted by or on behalf of | of the annlicant | |
| | Data S | theets prepared/submitted by or on behalf of the | | |
| | 님 | his office concurs with the delineation report, of | | d by (company): |
| | Datas | his office does not concur with the delineation heets prepared by the Corps. | report, dated , | prepared by (company): |
| | Corps' | ' navigable waters' studies: | | |
| | U.S. G | eological Survey Hydrologic Atlas: | | |
| 図 | U.S. G | eological Survey 7.5 Minute Topographic map | s: Staley | |
| | U.S. G | eological Survey 7.5 Minute Historic quadrant | les: | |
| | U.S. G | eological Survey 15 Minute Historic quadrang | les: | |
| | USDA | Natural Resources Conservation Service Soil | Survey: | |
| | Nation | al wetlands inventory maps: | | |
| | State/L | ocal wetland inventory maps: | | |
| | rema | /FIRM maps (Map Name & Date): | | |
| | Apriol | ar Floodplain Elevation is: (NGVD) | | |
| | Ather - | Photographs (Name & Date): photographs (Date): | | |
| Ħ. | Advanz | onotographs (Date): ced Identification Wetland maps: | | |
| | Site vis | it/determination wetland maps: | | |
| 蔺 | Applica | able/supporting case law: | | |
| | Other in | nformation (please specify): | | |
| ~ | | (F | I | I |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wet ands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-07-040

| DD A | | 001 | THON | INFORM | | TOTAL. |
|--------|----------|------|------|----------|----|----------|
| PK().1 | 1 I J. H | ли а | LIUN | INPERIOR | ИΑ | I IUDIN: |

State:

Texas

County:

Fort Bend

Center coordinates of site (latitude/longitude):

UTM 15, 241360E, 3286479N

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Keegans Bayou Name of watershed: Keegans Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 22 Nov 05

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\simega\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mather are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Keegans Bayou is tributary to Brays Bayou, a navigable water of the U.S.

FILE NUMBER: SWG-05-07-040

| La La | teral Extent of Jurisdiction: (Reference: 33 CFR particular) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | High T | ide Line indicated by: Il or scum line along shore objects ne shell or debris deposits (foreshore) hysical markings/characteristics dal gages ther: |
|----------|--|--|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical marking | gs; vegetation lin | es/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetl | and delineation map | and/or in a delineation report prepared by: |
| Bas | rice growing. Artificial reflecting or swimming pools or o by excavating and/or diking dry land to reta Water-filled depressions created in dry land the purpose of obtaining fill, sand, or gravel | that the following want ponds or lagoons, ert to upland if the iting and/or diking do for such purposes at ther small ornament in water for primaril incidental to constructes and until the neets the definition of interstate commerce the Natural Resource the Natural Resource | art 328.3(a)(3). Atters present on the site are not Waters of the pursuant to 33 CFR part 328.3. Trigation ceased. Try land to collect and stock watering, irrigation, settling basins, or al bodies of water created y aesthetic reasons. The construction or excavated in dry land for construction or excavation operation is of waters of the United States found at 33 CFR es. Es Conservation Service. Explain rationale: |
| | Maps, plans, plots or plat submitted by or on behalf Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, This office does not concur with the delineation Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic may U.S. Geological Survey 7.5 Minute Historic quadrant U.S. Geological Survey 15 Minute Historic quadrant U.S. Geological Survey 15 Minute Historic quadrant U.S. Actual Resources Conservation Service Soil National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): | of the applicant. e applicant. dated , prepare report, dated ps: Clodine tgles: gles: | ed by (company): , prepared by (company): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

| DISTRICT OFFICE: Galveston District, PERCC FILE NUMBER: D-18072 | |
|---|--|
| PROJECT LOCATION INFORMATION: State: Texas County: Hidalgo Center coordinates of site (latitude/longitude): 26 Approximate size of area (parcel) reviewed, including up Name of nearest waterway: La Joya Creek Name of watershed: South Laguna Madre | .11N / 98.35W lands: 2072 acres. |
| 2 to p | ate: 23 December 2005 ate(s): |
| Jurisdictional Determination (JD): | |
| Preliminary JD - Based on available information, United States" and/or "navigable waters of the Unite (Reference 33 CFR part 331). | there appear to be (or) \(\simeg \) there appear to be no "waters of the d States" on the project site. A preliminary JD is not appealable |
| Approved JD – An approved JD is an appealable act Check all that apply: | ion (Reference 33 CFR part 331). |
| There are "navigable waters of the United States the reviewed area. Approximate size of jurisdiction | " (as defined by 33 CFR part 329 and associated guidance) within all area: |
| There are "waters of the United States" (as define reviewed area. Approximate size of jurisdictional a | ned by 33 CFR part 328 and associated guidance) within the rea: |
| ☐ There are "isolated, non-navigable, intra-state value of Decision supported by SWANC Jurisdiction. | waters or wetlands" within the reviewed area. C/Migratory Bird Rule Information Sheet for Determination of No. |
| BASIS OF JURISDICTIONAL DETERMINATION: | |
| A. Waters defined under 33 CFR part 329 as "navig The presence of waters that are subject to the ebb an the past, or may be susceptible for use to transport in | d flow of the tide and/or are presently used, or have been used in |
| interstate or foreign commerce, including all waters (2) The presence of interstate waters including inter (3) The presence of other waters such as intrastate is sandflats, wetlands, sloughs, prairie potholes, wet madestruction of which could affect interstate commer (i) which are or could be used by interstate or f (ii) from which fish or shellfish are or could be | d, or were used in the past, or may be susceptible to use in which are subject to the ebb and flow of the tide. state wetlands ¹ . akes, rivers, streams (including intermittent streams), mudflats, leadows, playa lakes, or natural ponds, the use, degradation or ce including any such waters (check all that apply): oreign travelers for recreational or other purposes. taken and sold in interstate or foreign commerce. |
| (iii) which are or could be used for industrial p (4) Impoundments of waters otherwise defined as w (5) The presence of a tributary to a water identified (6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other wat | raters of the US. |
| Rationale for the Basis of Jurisdictional Determination | on (applies to any boxes checked above). If the jurisdictional |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Late | Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | 328 and 329) High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|------|---|---|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; | vegetation lines/changes in vegetation types. |
| 22. | Wetland boundaries, as shown on the attached wetland | d delineation map and/or in a delineation report prepared by: |
| Bas | United States: Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavatir retain water and which are used exclusively for rice growing. Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel to abandoned and the resulting body of water made 328.3(a). Isolated intrastate wetland with no nexus to interest the same and the second | ponds or lagoons, pursuant to 33 CFR part 328.3. It to upland if the irrigation ceased. In and/or diking dry land to collect and or such purposes as stock watering, irrigation, settling basins, or er small ornamental bodies of water created water for primarily neidental to construction activity and pits excavated in dry land for nless and until the construction or excavation operation is eets the definition of waters of the United States found at 33 CFR interstate commerce e Natural Resources Conservation Service. Explain rationale: |
| DATA | Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of the This office concurs with the delineation report, of This office does not concur with the delineation Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic mature U.S. Geological Survey 7.5 Minute Historic quadrant U.S. Geological Survey 15 Minute Historic quadrant U.S. Actional Survey 15 Minute Historic quadrant U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): | of the applicant. capplicant. cated , prepared by (company): report, dated , prepared by (company): ps: gles: gles: Survey: |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.\$. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.